

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JIMMY SCOTT ELKINS,
 Petitioner,

v.

VIRGINIA, et al.,
 Respondents.

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Civil Action No. 7:12-cv-00431

ORDER

By: Hon. Michael F. Urbanski
 United States District Judge

In accordance with the written Memorandum Opinion entered this day, it is hereby

ORDERED

that the Attorney General's motion to dismiss is **GRANTED**; petitioner's petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**; a certificate of appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this Order and the accompanying Memorandum Opinion to petitioner and counsel of record for respondent.

Entered: December 21, 2012

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge